THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 4th DAY OF JANUARY, 2006

W.P.No. 196 of 2006

Between:-

B. Govardhana Rao

--Petitioner

And

Municipal Corporation of Visakhapatnam rep., by its Commissioner, Visakhapatnam and another.

--Respondents

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W.P.No. 196 of 2006

:O R D E R:

The petitioner claims to be the owner of the premises bearing Door No. 50-81-10 admeasuring 55.5 square yards in Seethammapeta, Visakhapatnam, where he has constructed a house and let out to some tenants. The petitioner alleges that the Municipal Corporation of Vishakapatnam (for short 'MCV') proposed widening of the road in front of his house and they are trying to take possession of his land, so as to accomplish the same. Further, the petitioner alleges that the structures measure 25' x 20' and if the road is widened by taking the property of the petitioner to the extent of 10', the entire building will collapse thereby rendering useless. Therefore, he filed the writ petition seeking a writ of Mandamus, declaring the action of the respondents in attempting to demolish the structures as illegal and arbitrary.

Heard the learned counsel for the petitioner Ms. G. Jaya Reddy and the learned standing counsel for MCV, Mr. N. Ranga Reddy.

Learned standing counsel submits that MCV has not taken up any road widening programme and it is only a proposal for such road widening. He also submits that if there is any proposal to acquire the land, the same would be done in accordance with the procedure contemplated under Section 146 or 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act'), as made applicable to the MCV). The submission is recorded.

The writ petition is accordingly disposed of observing that in case the petitioner's property is required for widening the road, the MCV shall have to follow the due process of law, as contemplated under Section 146 or 147 of the Act. No costs.

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V.V.S. RAO, J

04-01-2006

pvks/*

Nb:- Registry to furnish c.c. by Monday i.e., 09-01-2006.

B/o pvks/*